

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

AMBER JOHNSON, TAYLOR THOMPSON,
and R.J., a minor child,

Plaintiffs,

v.

No. 1:21-cv-00184 KG-LF

CHARITY SANCHEZ, in her individual capacity,
and NEW MEXICO CHILDREN, YOUTH &
FAMILIES DEPARTMENT,

Defendants.

JUDGMENT

Pursuant to Federal Rule of Civil Procedure 58 and the Memorandum Opinion and Order (Doc. 65) granting summary judgment for Defendant Charity Sanchez on the grounds of qualified immunity, all claims against Ms. Sanchez are hereby dismissed with prejudice.¹

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE

¹ If a court finds that a defendant is subject to qualified immunity, the court may dismiss with or without prejudice. *See Breidenbach v. Bolish*, 126 F.3d 1288, 1294 (10th Cir. 1997) (directing dismissal without prejudice); *Lybrook v. Members of Farmington Mun. Sch. Bd. of Educ.*, 232 F.3d 1334, 1342 (10th Cir. 2000) (upholding dismissal with prejudice and construing *Breidenbach* as nonmandatory). Considering that qualified immunity is an “immunity from suit rather than a mere defense to liability,” *Pearson v. Callahan*, 555 U.S. 223, 231 (2009), and in light of the facts that the parties agree the underlying removal of a child was governed by a Safety Plan and Plaintiffs fail to state a violation of their constitutional rights related to that Safety Plan or that such a right was clearly established, the Court determines that dismissal with prejudice is appropriate.